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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,452	06/29/2001	Robert M. Fries	13768.783.320	3197

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/895,452

Applicant(s)

FRIES, ROBERT M.

Examiner

Sumaiya A. Chowdhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40,41,47-50 and 54-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40,41,47-50 and 54-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/27/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 40-41, 47-50, and 54-60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 40 and 56 are objected to because of the following informalities:

Claims 40 and 56 recite the limitation "the carousel image" in part (j). There is insufficient antecedent basis for this limitation in the claim. Examiner is interpreting "the carousel image" to be "the carousel page".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 40-41, 47, 50, 54-57, and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Bisdikian (6047317).

As for claims 40 and 56, Bisdikian teaches in a source of audiovideo data transmitted to a plurality of subscriber receivers, a system comprising:

(a) means (headend server 14) for providing a new page of content for an existing carousel of pages (Each subsequent page transmitted in a carousel is a new page received by the receiver. Furthermore, content on pages are updated at some point. The same content is not transmitted forever. - col. 3, lines 42-50);

(b) means (14) for determining when the new page of content requires reduced latency (pages with high priority require reduced latency – col. 3, line 55 – col. 4, line 5);

(c) means (14) for upon determining the new page requires reduced latency, placing the new page into the carousel more than once – col. 3, lines 63-67;

(d) means (navigation data table 34) for determining which pages in the carousel contain links to the new page (For example, if www.cnn.com/weather is the new page,

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all other pages containing links to that page will be updated. – col. 6, lines 45-55, lines 1-7);

(e) means (34) for modifying metadata for each page in the carousel containing links to the new page (The navigation data table updates new pages so that it could respond when a hot spot is selected by the user – col. 6, lines 45-55, lines 1-7);

(f) means (34) for determining which pages in the carousel are linked to by the new page (col. 6, lines 45-55, lines 1-7);

(g) means (34) for modifying metadata for the new page for each page in the carousel that is linked to by the new page (col. 6, lines 45-55, lines 1-7);

(h) means (14) for determining when the carousel is ready for transmission – col. 4, lines 43-53, lines 1-5; Fig. 2A;

(i) means (14) for repeating steps (a) – (h) until the carousel of pages is determined to be ready for transmission – col. 4, lines 43-53, lines 1-5; Fig. 2A;

(j) means (14) for injecting the carousel page onto a transmission medium (transmitter 16) for transmission to the subscriber receivers (12) - col. 4, lines 43-53, lines 1-5;

(k) means (12) for determining when page information in the carousel is changed (when the receiver receives new pages, it determines that the page information in the carousel has changed – col. 3, lines 35-41);

(l) means (14) for repeating steps (j)-(k) until page information in the carousel is changed (Each carousel data stream is cyclically repeated on approximately a 5-second

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cycle. The pages are refreshed every 5 seconds. Therefore each subsequent page transmitted is a new page – col. 4, lines 43-50);

As for claim 41, Bisdikian teaches determining when page information in the carousel is changed comprises determining that a new page is provided for the carousel (when the receiver receives new pages, it determines that the page information in the carousel has changed – col. 3, lines 35-41, col. 4, lines 42-52);

As for claims 47 and 57, Bisdikian teaches providing the new page of content comprises inserting a new page in place of an old page on a substantially regular basis, thereby providing a slide show effect from a perspective of a viewer that corresponds to one of the subscriber receivers – col. 3, line 62 – col. 4, line 5, col. 4, lines 42-53.

As for claims 50 and 60, Bisdikian teaches wherein the new page is placed in the carousel at spaced apart locations – Fig. 2A, col. 3, line 62 – col. 4, line 5, col. 4, lines 42-53.

As for claim 54, Bisdikian teaches:

Selecting pages of content for transmission – col. 3, line 62 – col. 4, line 5, col. 4, lines 42-53; and

In a substantially recurring pattern, injecting the pages onto a transmission medium for transmission to a receiver, in which one of the pages of content is injected more frequently in the pattern than at least one other page such that a maximum latency for receiving the more frequently injected page (directory frame) is less than a maximum latency for receiving the at least one other page – col. 3, line 62 – col. 4, line 5, col. 4, lines 42-53.

As for claim 55, Bisdikian teaches wherein the page that is transmitted more frequently is transmitted in the recurring pattern at spaced-apart time – Fig. 2A, col. 3, line 62 – col. 4, line 5, col. 4, lines 42-53.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 48-49 and 58-59, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisdikian in view of Tanigawa.

As for claims 48 and 58, Bisdikian fail to teach wherein page metadata for the new page includes an automatic link to itself such that a subscriber receiver reacquires page metadata of the new page when the new page is received.

In particular, Tanigawa teaches wherein page metadata for the new page includes an automatic link to itself such that a subscriber receiver reacquires page metadata of the new page when the new page is received – col. 12, lines 20-43, col. 13, lines 21-63.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Bisdikian's invention to include the above mentioned limitation, as taught by Tanigawa, in order to automate the process.

As for claims 49 and 59, Bisdikian fails to teach wherein page metadata for the new page includes an automatic link to another page such that when the automatic link is interpreted at a subscriber receiver, the subscriber receiver automatically displays the other page when available at the receiver.

In an analogous art, Tanigawa teaches wherein page metadata for the new page includes an automatic link to another page such that when the automatic link is interpreted at a subscriber receiver, the subscriber receiver automatically displays the other page when available at the receiver – (col. 13, line 64 – col. 14, line 48).

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It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Bisdikian's invention to include the above mentioned limitation, as taught by Tanigawa, in order to automate the display of the other page.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC


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